

IN RE: PETITION FOR ZONING VARIANCE
S/S Kellogg Road, 200' W of
Saunders Road
(847 Kellogg Road)
8th Election District
3rd Councilmanic District
Richard R. Morris, et ux
Petitioners
* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 91-439-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet, as more particularly described on Petitioner's Exhibits 1 and 2.

The Petitioners originally filed the subject Petition through the administrative variance procedure. By Order of the Zoning Commissioner, a public hearing was required to determine the appropriateness of the relief requested.

The petitioners, Richard R. and Sheryl Morris, appeared and testified on their own behalf. Also appearing on behalf of the Petitioners was Nancy Johnson, adjoining property owner. Appearing as Protestants in the matter were various residents of the surrounding community and members of the Longford Community Association.

Testimony indicated that the subject property, known as 847 Kellogg Road, consists of .24 acres more or less, zoned D.R. 3.5, and is improved with a brick and frame split-level dwelling, an outbuilding and shed. On the east side of the dwelling is a bituminous driveway accessing Kellogg Road and a concrete pad in the front yard on the west side of the subject property. The rear of the subject property abuts the Baltimore

Beltway (I-695). Petitioners are desirous of constructing a two-car garage with storage space in accordance with Petitioner's Exhibit 2. Richard Morris testified the subject dwelling does not have adequate storage space to suit his family's needs. Testimony and evidence presented indicated the dwelling has no basement and that only attic storage space exists. Mr. Morris testified that his current plans call for a garage 18.5 feet in height. He indicated he applied for a 20-foot height variance to allow for some leeway in construction.

Various members of the community appeared in opposition to the relief requested. The Protestants are generally opposed to granting the subject variance and indicated that in their opinion, the proposed garage with a height of 20 feet is too large for this community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, as hereinafter modified, such use as proposed would not be contrary to the

- 2 -

spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. In the opinion of the Deputy Zoning Commissioner, the proposed garage with a height of 18.5 feet in lieu of the requested 20 feet will adequately address Petitioners needs and will not adversely affect the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 8th day of August, 1991 that a variance from Section 400.3 of the B.C.Z.R. is approved to permit the proposed accessory structure (garage) with a height of 18.5 feet in lieu of the maximum permitted 15 feet, and as such, the Petition for Zoning Variance is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall not allow or cause the proposed accessory structure (garage) to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.
- 4) Prior to the issuance of any building permits for the subject structure, Petitioners shall complete the following:

- 3 -

a) The Petitioner testified that he intends to dispose of two of his vehicles, namely a 1975 Plymouth and a 1965 Chrysler New Yorker. Prior to the issuance of any building permits for the proposed garage, the Petitioner shall remove these two vehicles from his property. Said vehicles shall not be returned to the property in the future.

b) There currently exists a concrete pad in the front yard of the subject property as set forth on Petitioner's Exhibit 2. Prior to the issuance of any building permits for the proposed garage, Petitioners shall have this concrete pad removed from the property.

c) Prior to the issuance of any permits for the subject garage, Petitioners shall have removed from the rear of their property an outbuilding and barn-like shed as depicted on Petitioner's Exhibit 1B, said structures being made of wood. The Petitioner testified that he intends to remove said structures prior to the construction of the proposed garage.

d) All debris from the removal of said accessory structures and concrete pad shall be removed from the subject property prior to the issuance of any permits. Petitioner's shall submit photographic proof of same to the Zoning Commissioner's Office for inclusion in the case file prior to the issuance of any permits. Said photographic proof shall illustrate that the subject concrete pad, outbuilding and shed have been razed and the debris therefrom removed.

5) Petitioners shall at all times store the pop-up trailer and motorcycle trailer along with two of his vehicles inside the proposed garage.

6) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

- 4 -

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

400.3 To Permit a proposed Accessory Structure (Garage) with a height of 20 ft in lieu of the maximum permitted 15 ft (6' 6")

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty)

PRACTICAL DIFFICULTY - PLANNED CONSTRUCTION INCLUDES STORAGE AREA ABOVE GARAGE. STORAGE AREA NEEDED DUE TO LACK OF BASEMENT UNDER MAINHOUSE OR ANY OTHER STORAGE AREA OTHER THAN GARAGE AREA. ALSO ROOM BEHIND BETWEEN MAINHOUSE & FAMILY OF 2 ADULTS/2 CHILDREN RESIDE IN HOME. REQUIREMENT OF 19' LIMITS AREA OF STORAGE AREA TO NO MORE THAN A CRAWL SPACE (UNDERMINES) SHED OR OUTBUILDING CAN BE OBSERVED SINCE THIS AREA WILL NOT BE A CRAWL SPACE AND CONSTRUCTION WILL NOT ADVERSELY AFFECT THE SURROUNDING PROPERTIES DUE TO THE FACT THAT THE BUILDING IS TO BE ADJACENT AND/OR POSTED AS PRESCRIBED BY Zoning Regulations. (Signatures of 2)

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of MAY, 19 91, that the subject matter of this petition be posted on the property on or before the 29th day of MAY, 19 91.

Robert Paff
ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 7th day of MAY, 19 91, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reported, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 7th day of MAY, 19 91, at 10:00 o'clock, A.M.

ZONING COMMISSIONER OF BALTIMORE COUNTY

Richard R. Morris
Sheryl C. Morris
847 Kellogg Rd.
Lutherville, MD 21093
301-321-1816

ZONING DESCRIPTION

Beginning at a point on the south side of Kellogg Road which is 50' RW wide at the distance of approximately 200 feet west of the centerline of the nearest improved intersecting street (Saunders Road) which is 50' RW wide. Being Lot #19, Block D, Section #3 in the subdivision of Thornleigh as recorded in Baltimore County Plat Book #25, Folio #48, containing 10,640 square feet. Also known as 847 Kellogg Road and located in the 8th Election District.

LONGFORD COMMUNITY ASSOCIATION
BOARD OF GOVERNORS

The Longford Community Association, Inc.

Minutes of the May 28, 1991 Meeting

The meeting was called to order by Bill Marcin at 7:35. In attendance were Terri Floccare, Amy Gorman, Bob Distler, Craig Hayward, Charlotte Patrone, Bill Marcin and Drennan Nickerson.

The minutes were read and accepted. The Treasurer's Report was presented and there was a discussion concerning the dues which have been collected. The Bake Sale raised \$212.00. Charlotte requested authority to buy stationary supplies for the Treasurer's records. There was no objection.

New Business:

1. The Welcome Party is scheduled for June 1st. Rose Marcin is coordinating the party.
2. Fourth of July Parade: A flyer will go out to the residents announcing the parade. The juice left over from the Bake Sale will be used for refreshments. Food donations will be requested. We will look into getting balloons for the children. Amy said that she will do the flyers.
3. Block Party: There was discussion of tickets and beer for the event. A beer license will be checked into. Last year the food was catered. Seminary Park was suggested as a possible location.

Old Business:

1. The county Zoning Office has ordered the resident on Kellogg Court to cease and desist from selling out of his garage. Apparently he has stopped.
2. The Morris property should be posted soon concerning the variance request. It was decided that the association would oppose the variance. The cost of a protest petition is \$35.00. Bill Marcin said that he would handle the petition.
3. Yard Sale: One of the signs for the yard sale was stolen. We discussed replacing the sign and buying several new ones. The purchase of two more signs was approved. Amy will handle the purchase and will ask about interchangeable signs for other events.
4. School Redistricting: Amy has drafted a letter to Jim Kraft concerning the redistricting for Lutherville Elementary. The address will be printed in the newsletter. Amy will try to find out what the old school district lines were for Lutherville.

The meeting was adjourned at 8:45.

Respectfully submitted by Drennan Nickerson.

P.O. Box 4055 / Lutherville, Maryland 21093

The Longford Community Association, Inc.

July 24, 1991

Mr. Richard R. Morris
847 Kellogg Road
Lutherville, MD 21093

Dear Mr. Morris:

The Board of Governors of the Longford Community Association considered your request for approval of plans to build a garage with a height of 20 feet at the May 28, 1991 Board Meeting. Your request was submitted for the Board's review by the Covenants Committee pursuant to Paragraph 6 of the Longford Covenants. The Board has decided to oppose your construction of the 20 foot high garage because the height of the structure would be out of character for the neighborhood and not in harmony with the surrounding buildings. Accordingly, on behalf of the Longford Community Association, the Board of Governors will oppose your request for a zoning variance to waive the 15 foot height restriction for garages in residential neighborhoods.

Sincerely yours,

Robert Paff
Vice President
Board of Governors

PETITIONER'S
EXHIBIT 4

P.O. Box 4055 / Lutherville, Maryland 21093

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

July 17, 1991

Mr. & Mrs. Richard R. Morris
847 Kellogg Road
Lutherville, MD 21093

RE: Item No. 427, Case No. 91-439-A
Petitioner: Richard R. Morris, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Morris:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 5, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Baltimore County
Zoning meeting of
May 28, 1991
Richard Roland Morris Property
S/S Kellogg Road
200' west of Saunders Road
Item # 427

Dear Mr. Haines:

This is a follow-up to our previous letter of May 29th concerning impact to this property from our future beltway improvements.

After review by our Project Planning Section, we have enclosed a revised plan showing the proposed right-of-way line for Alternate 2 of our I-695 improvements.

We are requesting the zoning plan be revised to show this proposed right-of-way line prior to a hearing date being set.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

Received By:
Arnold Jackson
DIRECTOR

Petitioner: Richard R. Morris, et ux
Petitioner's Attorney:

Maryland Department of Transportation
State Highway Administration

June 5, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Baltimore County
Zoning meeting of
May 28, 1991
Richard Roland Morris Property
S/S Kellogg Road
200' west of Saunders Road
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We are requesting the zoning plan be revised to show this proposed right-of-way line prior to a hearing date being set.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 301-333-1350 (Fax #333-1041)

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County Government
Office of Planning & Zoning
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

June 4, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: James Dyer

RE: Property Owner: RICHARD ROLAND MORRIS
Location: #847 KELLOGG ROAD
Item No.: 427 Zoning Agenda: MAY 28, 1991

Dear Mr. Haines:

This is a follow-up to our previous letter of May 29th concerning impact to this property from our future beltway improvements.

After review by our Project Planning Section, we have enclosed a revised plan showing the proposed right-of-way line for Alternate 2 of our I-695 improvements.

We are requesting the zoning plan be revised to show this proposed right-of-way line prior to a hearing date being set.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

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Maryland Department of Transportation
State Highway Administration

May 29, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Attn: Mr. James Dyer

Re: Baltimore County
Zoning Meeting of 5-28-91
Richard Roland Morris
Property
S/S Kellogg Road, 200'
West of Saunders Road
Outer Loop (I-695)
(Item #427)

Dear Mr. Haines:

We have received the submittal for a residential variance to permit a proposed accessory structure with a height of 20 feet in lieu of the maximum permitted 15 feet and have the following comment.

We have forwarded this plan to our Project Planning Section to determine if there will be any impact from our future beltway improvements. We will forward their comments when received.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

LB:maw
cc: Richard & Sheryl Morris
Mr. J. Ogle

My telephone number is 301-333-1350 (Fax #333-1041)

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: June 26, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Richard Roland Morris, Item No. 427

In reference to the petitioner's requested variance, staff offers the following comment:

This office has no objection to the requested variances. However, a restriction should be placed in the order prohibiting any living quarters, kitchen or bathroom facilities in the garage.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm
ITEM427/ZAC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner

FROM: Rahoe J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: May 28, 1991

This office has no comments for items number 427, 433, 434, 435, 436, 437, 438 and 440.

Rahoe J. Famili
Traffic Engineer II

RJP/lvd

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

JUNE 4, 1991

Mr. J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD ROLAND MORRIS
Location: #847 KELLOGG ROAD
Item No.: 427 Zoning Agenda: MAY 28, 1991

Dear Mr. Haines:

This is a follow-up to our previous letter of May 29th concerning impact to this property from our future beltway improvements.

After review by our Project Planning Section, we have enclosed a revised plan showing the proposed right-of-way line for Alternate 2 of our I-695 improvements.

We are requesting the zoning plan be revised to show this proposed right-of-way line prior to a hearing date being set.

If you have any questions, please contact Larry Brocato (333-1350).

Very truly yours,
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is 301-333-1350 (Fax #333-1041)

383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 3, 1991
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 28, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 427, 433, 434, 435, 436, 437 and 440.

For Item 397, a revised County Review Group Meeting is required.

For Case #R-91-113, a County Review Group Meeting is required prior to development of this site.

For Item 438, a County Review Group Meeting is required.

Robert W. Bowling, P.E., Chief,
Developers Engineering Division

RWB:a

received
01411

THE LONGFORD COMMUNITY ASSOCIATION, INC.

August 2, 1991

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

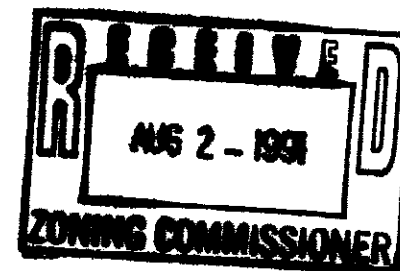
Dear Mr. Kotroco,

The Longford Community Association held a regular monthly meeting on the evening of Tuesday July 30. A topic of discussion was case number 91-439-A, which was heard at the County Office Building earlier that same day. The Association's Covenants Committee and Board of Governors once again reached the conclusion that we are not in favor of a zoning variance to permit construction of a garage 20 feet in height.

If in your opinion Mr. Morris has presented valid reasons for needing a structure on his property in excess of the ordinarily allowed height of 15 feet, we urge you to allow no more than 18 feet. We also strongly encourage you to attach to the zoning variance those conditions discussed at the hearing prior to issuing a building permit. As we recall those conditions were:

- Removal of a concrete parking pad from the front yard of the property,
- Removal of two existing sheds from the rear yard of the property, and
- Removal of two specified automobiles from the property.

Sincerely,
William Marcia
President, Longford C.A.



P.O. Box 4055 / Lutherville, Maryland 21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Richard R. Morris	847 Kellogg Rd Lutherville
Sheryl Morris	847 Kellogg Rd Lutherville
Nancy Johnson	849 Kellogg Rd

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
William Marcia	8415 Macaulay Ct
Sharon Hargest	845 Kellogg Rd
Carmel Fisher	904 Jamieson Rd
Deborah Hargest	849 Kellogg Rd
Nancy Johnson	845 Kellogg Rd
James Edwards (Imperson)	841 Kellogg Rd
Amy Giorman	8409 Saunders Rd

March 20, 1991

Dear Neighbor,

For the past 11 years, we have been very pleased to be members of this community--a community that stresses friendship, communication, and cooperation among its residents, our neighbors. During the past 11 years, we have made many improvements to our home at 847 Kellogg Road. We feel that through these improvements, we have both enhanced our family's living with the added benefit of enhancing our neighbors' properties.

We are now in the process of planning another--and probably our last--improvement project: a garage. This structure will measure 32' X 24' and will stand approximately 20'. Although the structure is within the legal and specified requirements of the Baltimore County Building Code and will sit easily onto our plot, we must seek a variance from the County because it exceeds the building maximum height of 15'. This structure will be a 2-car parking garage with a 10' X 10' workshop. It will have a storage space above it, thus the need for the variance. We require this space since we do not have a basement or other storage space.

We are asking you to give your consent in granting the variance. Since we live on the Beltway to our rear, we will not be infringing on sight lines or in any way detracting from your property. In anticipation of your cooperation, we thank you.

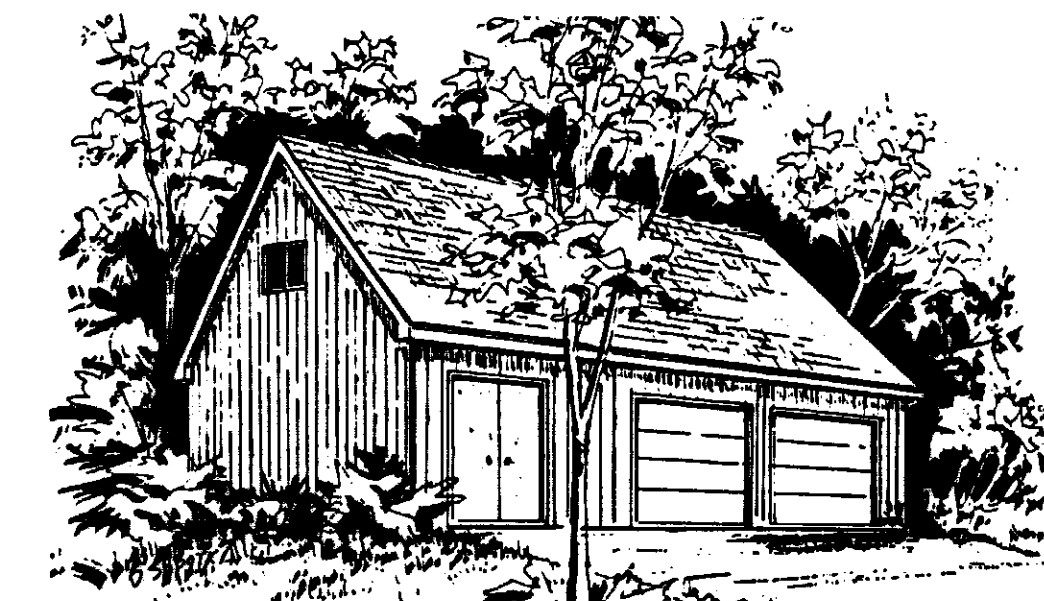
Sincerely,

The Morris family--
Richard, Sheryl, Chelsea, and Alex

We, the undersigned, grant approval of a variance to the above named property for the purpose described above.

Signed: _____ Date: _____

Address: _____



Dear Hearing Officer

427
91-439-A

Sir, I wish to relate to you further information concerning my application for a height variance. I have verbal approval from both neighboring properties @ 845 The James Hargest family and 849 The Paul Johnson family. However, I have been informed of some hostile variance sentiment among other residents for reasons I am not quite sure of. However, I wish to stress that the proposed structure is for the storage of my antique cars and the above described will be for storage only. I have no plans or intention of creating a living space above the garage. Plus the fact I wish to stress that I live on the Beltway/I-83. My structure will hardly be seen except by those traveling down the Kellogg Rd. I have a frontage and looking south down the driveway.

Thank you for any considerations you may give me

Richard Morris

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 13, 1991

Richard R. Morris
Sheryl S. Morris
847 Kellogg Road
Lutherville, MD 21093

91-439-A

RE: Petition Filed in Zoning Office
Item Number 427

Dear Petitioner:

This letter is to inform you that, due to a technical problem, your Petition for Residential Variance has not been placed on the agenda for the week of May 21, 1991. According to our records, this Petition was filed on May 7, 1991 with John L. Lewis.

In order for this Petition to be placed on the next agenda, you must contact Mr. Lewis at 887-3391 to rectify the problem.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

OFFICE FILE COPY LTR SENT JRH

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

COPY

July 12, 1991

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 91-439-A
PROPERTY OWNER(s): Richard R. Morris, et ux
LOCATION: 847 Kellogg Road

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

Beginning at 9:00 a.m. on
TUESDAY, JULY 30, 1991

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

cc: William D. Marcia

CERTIFICATE OF PUBLICATION

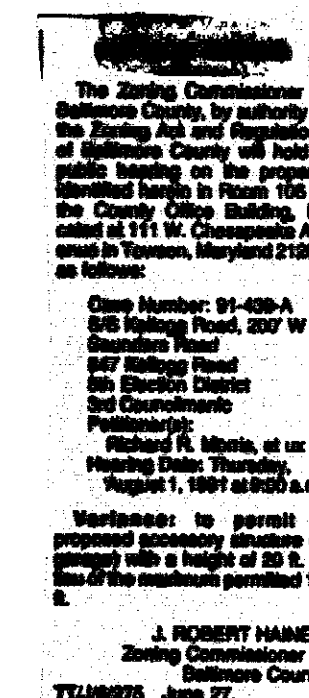
TOWSON, MD., June 28, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 27, 1991.

TOWSON TIMES,

S. Zeke Palmer
Publisher

275-8429



Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 14, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-439-A
S/S Kellogg Road, 200' W Saunders Road
847 Kellogg Road
8th Election District - 3rd Councilmanic
Petitioner(s): Richard R. Morris, et ux
HEARING: THURSDAY, AUGUST 1, 1991 at 9:00 a.m.

Variance to permit a proposed accessory structure (a garage) with a height of 20 ft. in lieu of the maximum permitted 15 ft.

Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Morris
William D. Marcia

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 7/19/91

Mr. & Mrs. Richard R. Morris
847 Kellogg Road
Lutherville, Maryland 21093

RE:
Case Number: 91-439-A
S/S Kellogg Road, 200' W Saunders Road
847 Kellogg Road
8th Election District - 3rd Councilmanic
Petitioner(s): Richard R. Morris, et ux
HEARING: THURSDAY, AUGUST 1, 1991 at 9:00 a.m.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account Number: 6150
Number

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

June 13, 1991

Mr. & Mrs. Richard R. Morris
847 Kellogg Road
Lutherville, Maryland 21093

RE: CASE NUMBER: 91-439-A
S/S Kellogg Road, 200' W of Saunders Road
847 Kellogg Road

Dear Petitioners:

A formal request having been filed, this matter must be scheduled for a public hearing.

As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,

1/3/
G. G. Stephens
(301) 887-3391

THE LONGFORD COMMUNITY ASSOCIATION, INC.

June 12, 1991

Zoning Commissioner
of Baltimore County
111 W. Chesapeake Ave.
Towson, Md. 21204

Commissioner:
I hereby request a public hearing for the Residential
Variance applied for at 847 Kellogg Road. The case number
is 91-439-A. Enclosed you will find a check in the amount
of \$25 for the required fee.

Thank you
William D. Marcia
President, Longford C.A.

P.O. Box 4055 / Lutherville, Maryland 21093

CERTIFICATE OF PUBLICATION

TOWSON, MD., June 28, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 27, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Variance
Petitioner: Richard R. Morris, et ux
Location of property: S/S Kellogg Road, 200' W Saunders Road
847 Kellogg Road
Location of Sign: In front of 847 Kellogg Road

Remarks: S.G. Stephens
Posted by: S.G. Stephens
Number of Signs: 1

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

May 23, 1991

887-3353

Mr. & Mrs. Richard R. Morris
847 Kellogg Road
Lutherville, Maryland 21093

RE: CASE NUMBER: 91-439-A
LOCATION: S/S Kellogg Road, 200' W of Saunders Road
847 Kellogg Road

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 29, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is June 13, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reporting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post on then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

1/3/
G. G. Stephens
(301) 887-3391

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th
Posted for: Variance
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Location of property: S/S Kellogg Road, 200' W of Saunders Road
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Location of Sign: In front of 847 Kellogg Road
Remarks: S.G. Stephens
Posted by: S.G. Stephens
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account P-001-6150
Number

Date

Cashier Validation

REQUEST FOR HEARING

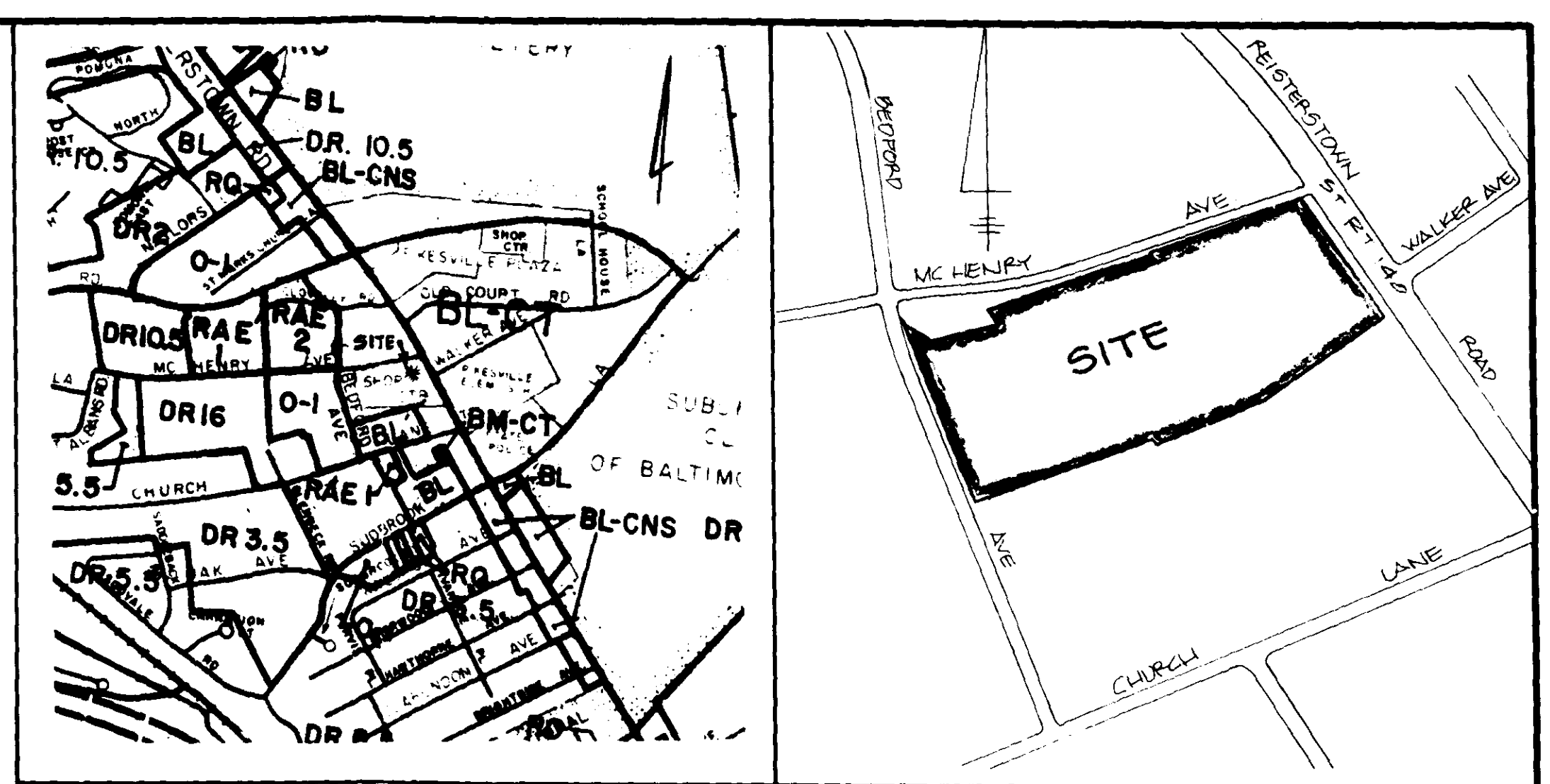
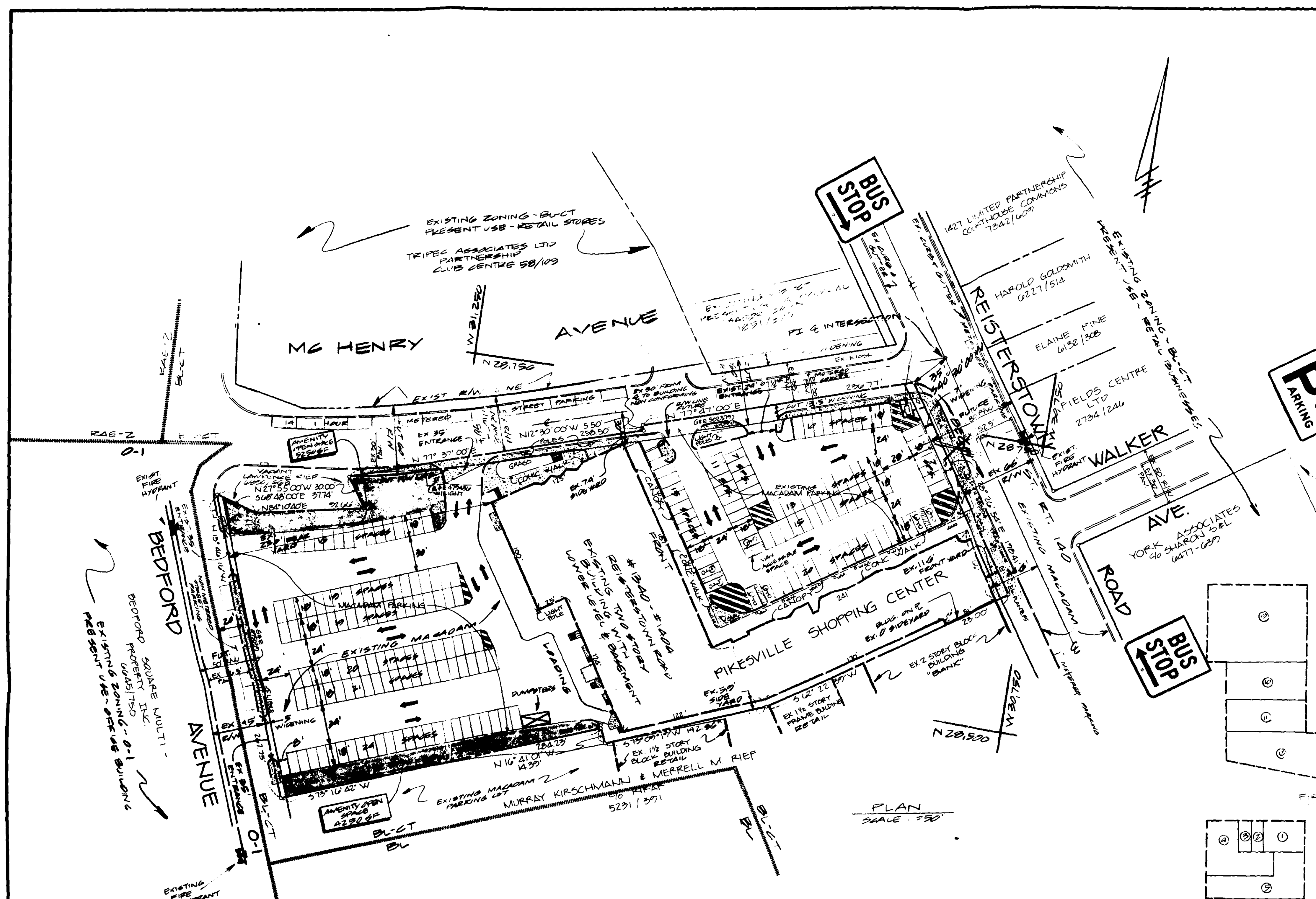
TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 91-439-A
Petitioner(s): R. MORRIS
Location: 847 Kellogg Road

1/MS. William D. Marcia, President, LONGFORD COMMUNITY ASSN, INC.
8415 Macaulay Court
Lutherville, MD 21093 521-6290

which is located approximately 1000 feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

Signature: William D. Marcia Date: 6-12-91



VICINITY MAP
SCALE: 1" = 100'

LOCATION MAP
SCALE: 1" = 200'

LEGEND

- PROPERTY LINE
- EXISTING CURB & GUTTER
- RIGHT OF WAY
- ZONING LINE
- AMENITY OPEN SPACE

SITE DATA

EXISTING ZONING: BL-CT
 EXISTING USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT
 PROPOSED USE: RETAIL CENTER - 2 STORY WITH LOWER LEVEL AND BASEMENT
 GROSS AREA: 4.17 ACRES
 NET AREA: 3.498 ACRES
 NET AREA MINUS ROAD WIDENING: 3.323 ACRES
 FLOOR AREA RATIO MAXIMUM: 5.5
 FLOOR AREA RATIO EXISTING: 83,097 SF / 181,645 SF = 0.46
 AMENITY OPEN SPACE RATIO REQUIRED: 0.10
 AMENITY OPEN SPACE RATIO EXISTING: 9,500 SF / 83,097 SF = 0.114
 DEED REFERENCE: 6688/087
 TAX ACCOUNT NUMBER: 0308001700
 COUNCILMANIC DISTRICT NUMBER: 2ND
 BUILDING HEIGHT: 35' AVERAGE
 PREVIOUS COMMERCIAL PERMITS: B075004 C-1928-90
 EXISTING SIGNAGE: IN ACCORDANCE WITH SECTION 413 AND ALL ZONING POLICIES
 PROPOSED SIGNAGE: NONE PROPOSED AT THIS TIME. HOWEVER ANY FUTURE SIGNAGE SHALL COMPLY WITH SECTION 413 AND ALL ZONING SIGN POLICIES
 PREVIOUS HEARINGS: NONE
 C.R.G. - SITE WAS CONSTRUCTED IN 1950'S PRIOR TO CURRENT DEVELOPMENT REGULATIONS
 PUBLIC WATER AND SEWER EXIST
 STORM WATER MANAGEMENT: NOT REQUIRED

PAVING SHALL BE DURABLE AND DUST FREE AND ALL PARKING SPACES SHALL BE PERMANENTLY STRIPED

PARKING TABULATION BASED ON REGULATIONS IN EFFECT AT TIME OF ORIGINAL APPROVAL

TENANT	SQUARE FEET	USE	REQUIREMENT	SPACES
LOWER LEVEL/BASEMENT				
1	2,000	RETAIL	1SP/200SF	10.00
2	600	SERVICE	1SP/300SF	2.00
3	645	RETAIL	1SP/200SF	3.23
4	3,600	SERVICE	1SP/300SF	12.00
5	5,100	RETAIL	1SP/200SF	25.50
6	4,300	SERVICE	1SP/300SF	14.33
7	11,702	RETAIL	1SP/200SF	58.51
8	11,188	STORAGE	NONE	0.00
FIRST FLOOR				
9	12,400	RETAIL	1SP/200SF	62.00
10	4,300	RETAIL	1SP/200SF	21.50
11	3,700	RETAIL	1SP/200SF	18.50
12	6,000	RETAIL	1SP/200SF	30.00
13	1,488	SERVICE	1SP/300SF	4.96
14	2,300	SERVICE	1SP/300SF	7.67
15	700	SERVICE	1SP/300SF	2.33
16	600	RETAIL	1SP/200SF	3.00
17	2,700	RETAIL	1SP/200SF	13.50
18	2,300	RETAIL	1SP/200SF	11.50
19	3,250	RESTAURANT	1SP/600SF	5.42
SECOND FLOOR				
20	4,000	SERVICE	1SP/300SF	13.33
TOTAL PARKING REQUIRED				280.90
TOTAL PARKING PROVIDED				217.00*

PARKING AT 8.5' X 18' TYPICAL
 *INCLUDES 7 SPACES FOR THE HANDICAP 12' X 18' EACH OR TWO SIDE BY SIDE
 @ 21' X 18' TOTAL, VAN ACCESSIBLE SPACE @ 16' X 18'

VARIANCE IS REQUESTED FROM SECTION 402.2 BULK (AS IN EFFECT AT TIME OF ORIGINAL PERMIT APPROVAL) TO PERMIT A VARIANCE TO ALLOW 217 PARKING SPACES IN VIEW OF THE REQUIRED 280 SPACES

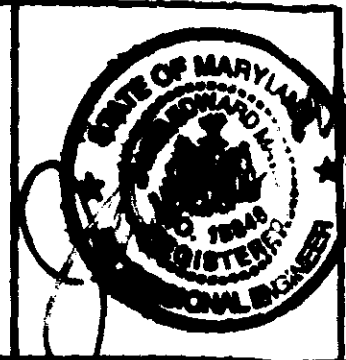
PETITIONER
 OWNER/DEVELOPER
 PIKESVILLE PARTNERSHIP
 10 PARKS AVE.
 COCKEYSVILLE, MD 21020
 410-561-1300

THIS PLAT IS INTENDED FOR ZONING PURPOSES ONLY AND SHALL NOT BE USED FOR CONVEYANCE OF PROPERTY, SPECIAL AGREEMENTS, PERMITS OR CONSTRUCTION

PLAT TO ACCOMPANY
 ZONING PETITION
 FOR VARIANCE
**PIKESVILLE
 SHOPPING CENTER**
 #1240 - #1244 REISTERSTOWN ROAD
 BALTIMORE COUNTY, MD
 SCALE: 1" = 50'

ELECTION DISTRICT#3
 2ND COUNCILMANIC DISTRICT
 APRIL 29, 1992
 REV. MAY 6, 1992

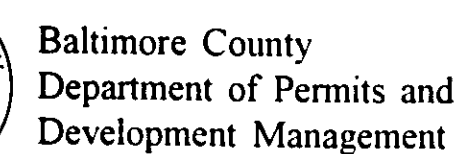
**GEORGE WILLIAM STEPHENS, JR.
 AND ASSOCIATES, INC.**
 CIVIL ENGINEERS & LAND SURVEYORS
 658 KENILWORTH DRIVE, SUITE 100
 TOWSON, MARYLAND 21204
 (301) 825-8120



92-439-A

472

PN 07010



Code Inspections and
Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204


February 8, 1996

Ms. Rose M. Marcin, President
Longford Community Association
P.O. Box 4055
Lutherville, Maryland 21093

Re: Case No. C-96-3232
847 Kellogg Road
8th Election District

Dear Ms. Marcini:

In response to your request on behalf of the Longford Community Association, an investigation of 847 Kellogg Road has revealed that there is no violation of public hearing 91-439A. The property owner Richard R. and Sheryl C. Morris in permit No. B093964, obtained a permit to build a two-car garage in the rear yard. Since this structure is under a height of 20 feet, it does not require a public hearing cannot be applied in this instance. In fact, the size of the building and its placement complies with Section 400 of the Baltimore County Zoning Regulations. In speaking with Rick S. Wismore, Chief of Code Inspections and Enforcement, the building inspector assigned to this site advised that he had reviewed the plans and verified that the size of the building equaled that outlined on the issued zoning certificate. While the rear yard has been reduced in size because of state highway construction of the sound barrier, Assistant County Attorney Lee S. Thomson contends Baltimore County cannot cite the property owners should they wish to appeal the zoning certificate lot size. Finally, Inspector Hunter Rowe's inspection of the property on January 11, 1994, indicated that all motor vehicles were properly licensed. Under these conditions the code enforcement division will be closing our case file on this matter.

Sincerely,

JAMES H. THOMPSON
Code Enforcement Supervisor
887-3351

JHT/hek

c: Inspector Hunter Rowe

